REMARKS

Claims 1, 4-14 and 20 remain pending in this application. Claims 1 and 20 have been amended by this response. Support for the amendments to claims 1 and 20 is found throughout the specification and specifically on Fig. 2, page 6, lines 17-37, page 7, lines 1-2 and page 10, lines 27-32. No new matter has been added by this amendment.

Rejection of Claims 1-14 under 35 U.S.C. 101

Claims 1-14 are rejected under 35 U.S.C. 101 because "an alert receiver" comprising a discriminator and a warning device does not include any functional structure of a machine. Claims 2 and 3 have been cancelled by a previous response and thus the rejection of claims 2 and 3 is moot.

Claim 1 describes "an alert receiver" including a "discriminator" and a "warning device." The Office Action asserts that the "warning device" is considered software and thus, "an alert receiver" including a "discriminator" and a "warning device" constitutes a program and not a machine. Applicant respectfully disagrees.

Fig. 2 displays a receiver 26 including a discriminator. In addition, receiver 26 also "includes warning device 30 which may further include one or more of display 28, a visual warning device 31 (e.g., a flashing light) and/or an audio warning device 34 (e.g., a speaker)" (page 10, lines 30-32). Thus, warning device 30 is part of receiver 26 and is hardware since the components of warning device 30 are also hardware. "During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification" (MPEP § 2111). "[T]he Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction 'in light of the specification as it would be interpreted by one of ordinary skill in the art'" (MPEP § 2111). Applicant asserts that Office Action has misinterpreted the specification as the cited portion on page 4, lines 23-25 and fig. 2 do not state or show either explicitly or implicitly that warning device 31 is software. Instead, as warning device 31 is a part of receiver 26, and since warning device 31 itself includes hardware, it is respectfully submitted that warning device 31 is hardware and

that "an alert receiver" including a "discriminator" and a "warning device" are considered a machine. Applicant is not aware of any software that is able to "output an alarm in the form of at least one of an audible alarm and a visual alarm" alone without any hardware.

In addition, claim 1 has been amended for the purposes of clarifying the relation between the discriminator and the warning device to recite "a warning device responsive to a result from the discriminator," thus setting forth the structural interconnection between the "warning device" and the "discriminator" of the present arrangement. Thus, the present claimed arrangement includes a functional structure of a machine. Therefore, it is respectfully submitted that the rejection to claim 1 is overcome and should be withdrawn.

Claims 4-14 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 4-14 is overcome and should be withdrawn.

In order to further the prosecution of this application, the Applicants are going to schedule an interview in conjunction with the submission of this Office Action Response so that the Examiner and the Applicants' represent can resolve the pending 101 rejection to the satisfaction of the Examiner.

Rejection of Claims 1, 4, 7-9 12, 14 and 20 under 35 U.S.C. 103(a)

Claims 1, 4, 7-9 12, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin et al. (US Patent No. 7,292,604).

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature. See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie*

obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently confirmed, a proper obviousness determination requires that an Examiner make "a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, *citing In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The present claimed arrangement provides an alert receiver. A discriminator receives encoded signals from a network. The encoded signals report an event from an information source coupled to the network. The discriminator compares the encoded signals, which include codes designating geographic locations, to user selected codes associated with specific localities to determine whether to alert a user. The encoded signals are encoded in an MPEG-2 data stream in the form of a plurality of data packets, where auxiliary information containing the codes is distinguished from audio and video information by use of a packet identifier (PID). The geographical location codes are placed within the user data fields of a header of a data packet from the plurality of data packets. The discriminator uses the PID information and the user data fields to determine geographic regions related to the event. A warning device is responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities. The warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm.

Godwin describes an apparatus for broadcasting including a geographic identifier memory, an overlay memory storing an overlay, a receiver circuit for receiving a broadcast signal and a control circuit. The control circuit displays the overlay on the broadcast signal in response to the geographic identifier. (See col. 6, lines 10-43)

However, Godwin neither teaches nor suggests "said geographical location codes are placed within the user data fields of a header of a data packet from said plurality of data

packets; and said discriminator uses said PID information and said user data fields to determine geographic regions related to said event" as recited in claim 1 of the present arrangement. Godwin describes a system facilitating the processing of information signals in a direct broadcast satellite consumer entertainment system. The system allows localized identities for certain programs and eliminates redundant programming. The system may also be used for emergency messaging systems (col. 15, lines 37-38). The emergency system takes advantage of a "geographic identifier" that is "stored in a receiving device." (col. 15, lines 38-40). "The emergency messaging system geographic identifier is compared to the geographic identifier of the receiver. The emergency messaging system signal is displayed when the user geographic identifier corresponds to the emergency messaging system graphic identifier. The viewers in a given locality then have the benefit of the national television feed and the localized emergency messaging" (col. 15, lines 40-54). Godwin describes sending a geographically tagged PID which also includes geographic information. Specifically, Godwin transmits a national broadcast stream with geographic information that allows a local affiliate to broadcast emergency messages pertaining to a particular location with a matching geographic identifier. Thus, the system of Godwin provides the ability to receive emergency alert messages, but only for one particular geographic location specified by the receiver.

The present claimed arrangement, in contrast, not only provides users with the benefit of localized emergency messaging, but also allows a user to specify the "type of alerts to be notified of and for what region of the country" (page 10, line 27). The user may also specify the "source of the alert preferred," for example, a local program distributor or a national broadcaster (page 10, lines 28-29). This is accomplished through "geographical location codes" that may be "placed within the user data fields of a header of a data packet from said plurality of data packets." As a result, the "discriminator uses said PID information and said user data fields to determine geographic regions related to said event." This is different from Godwin because while Godwin sends emergency alert information to all users with a matching geographic identifier, the present arrangement advantageously provides a "discriminator" that is able to use "PID information" and "user data fields" to provide a geographic location which then dictates what emergency alert information is broadcast, either from a national broadcast or a local affiliate. Thus, Godwin neither teaches nor suggests that

"said geographical location codes are placed within the user data fields of a header of a data packet from said plurality of data packets; and said discriminator uses said PID information and said user data fields to determine geographic regions related to said event" as recited in claim 1 of the present arrangement.

In addition, Godwin neither teaches nor suggests "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement. Godwin is not concerned with providing a user the ability to dictate specific localities from which to receive alerts. As described above, Godwin is only concerned with limiting bandwidth usage by transmitting a national broadcast, and inserting specific information from a local affiliate based on a set geographic identifier at a receiver. In contrast, the present claimed arrangement provides further limits in bandwidth usage through "a warning device" that is "responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to the user selected codes associated with specific localities" that transmits warning information regarding specific localities dictated by a user. Warning information for more than one locality may be received. Thus, Godwin neither teaches nor suggests "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement. Therefore, it is respectfully submitted that the rejection of claim 1 is overcome and should be withdrawn.

Claims 4, 7-9, 12 and 14 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 4, 7-9, 12 and 14 is overcome and should be withdrawn.

Independent claim 20 recites a method containing features similar to those found in the apparatus of claim 1 and is considered patentable for the reasons set forth above regarding claim 1. Claim 20 is also patentable because Godwin neither teaches nor suggests "comparing codes that designate geographic locations to the user selected code designation associated with a user location, the codes that designate geographic locations being in user data fields of headers of auxiliary data packets in a MPEG-2 data stream in the form which comprise the alert message, where said comparison also distinguishes said auxiliary data packets from other data packets by using the packet identifiers (PIDS) associated with said auxiliary data packets" as recited in claim 20 of the present arrangement. Godwin sends emergency alert information to all users with a matching geographic identifier. The present arrangement, instead compares codes designating geographic locations to "user selected" code designations associated with user locations. These codes are placed in "user data fields of headers of auxiliary data packets" with associated PIDS. The PID advantageously identify information as an alert message and sends the information to the discriminator for processing (see page 7, lines 29-36). While Godwin describes a packet header including a geographic identifier, this is different from the PID of the present arrangement which does not carry the data at all, but instead identifies whether information is an alert message before a comparison is made determining whether or not to send the message. This results in improved bandwidth efficiency. Therefore, it is respectfully submitted that the rejection of claim 20 is overcome and should be withdrawn.

Rejection of Claims 5, 6 and 10 under 35 U.S.C. 103(a)

Claims 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin in view of Deeds (US Patent No. 6,710,715).

Claims 5, 6 and 10 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1.

Deeds describes an apparatus for annunciating an anomaly condition at an area encompassed by the annunciating system. The existence of a weather anomaly is annunciated. A receiver is coupled to receive indications of a warning representative of the

weather anomaly. The receiver detects reception threat of the indications of the warning.
An annunciator is coupled to the receiver. The annunciator annunciates, in human
perceptible form, the detection of the indications of the warning representative of the weather
anomaly at the receiver. (See col. 6, lines 29-39)

Deeds was cited as containing the features of dependent claims 5, 6 and 10. However,
Deeds, taken alone or in combination with Godwin, neither teaches nor suggests that "said
geographical location codes are placed within the user data fields of a header of a data packet
from said plurality of data packets; and said discriminator uses said PID information and said
user data fields to determine geographic regions related to said event" or "a warning device
responsive to a result from the discriminator of comparing the codes designating geographic
locations included in the encoded signals to user selected codes associated with specific
localities, wherein said warning device outputs an alarm for each specific locality in the form
of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present
arrangement. Deeds simply describes a receiver able to receive weather anomaly warnings
and produce the warning audibly for a user to hear. Deeds, like Godwin, does not teach or
suggest "geographical location codes" that "are placed within the user data fields of a header
of a data packet" or a "discriminator" using "PID information and "user data fields to
determine geographic regions related to" an event. In addition, Deeds is silent with regards
to "a warning device responsive to a result from the discriminator of comparing the codes
designating geographic locations included in the encoded signals to user selected codes
associated with specific localities, wherein said warning device outputs an alarm for each
specific locality in the form of at least one of an audible alarm and a visual alarm."
Therefore, the combination of Godwin and Deeds, similar to the individual systems, neither
teaches nor suggests that "said geographical location codes are placed within the user data
fields of a header of a data packet from said plurality of data packets; and said discriminator
uses said PID information and said user data fields to determine geographic regions related to
said event" or "a warning device responsive to a result from the discriminator of comparing
the codes designating geographic locations included in the encoded signals to user selected
codes associated with specific localities, wherein said warning device outputs an alarm for

each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement.

Claims 5, 6 and 10 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 5, 6 and 10 is overcome and should be withdrawn.

Rejection of Claim 11 under 35 U.S.C. 103(a)

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin in view of Lock et al. (US Patent Application No. 2003/0121036).

Claim 11 is dependent on claim 1 and is considered patentable for the reasons set forth above regarding claim 1.

Lock describes an alert system that distributes alert signals. The system equips each cable TV subscriber in a system with an emergency message alert receiver unit connected to the CATV distribution cables. Non-subscribers can also optionally be provided with receiver units, although CATV cable must be installed to the non-subscriber's situs. The alert receiver unit is operable by issuance of a plurality of pulses from a head end signal generator at the head end of the cable system, which causes the alert receiver unit to issue visual and/or audible signals to alert the recipient to the existence of e.g. an emergency situation and to the basis of the nature of the emergency. The subscriber is advised, by previous communication, to turn on the TV set to a designated channel to receive specific emergency message communication. If power to the TV set is not available, the user has the option of calling local authorities in order to receive the alert message. (See paragraph [0005])

Lock was cited as containing the features of dependent claim 11. However, Lock, taken alone or in combination with Godwin, neither teaches nor suggests that "said geographical location codes are placed within the user data fields of a header of a data packet from said plurality of data packets; and said discriminator uses said PID information and said user data fields to determine geographic regions related to said event" or "a warning device

responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement. Lock describes an alert system that allows both cable TV subscribers and non-subscribers the ability to receive audio/visual alerts provided through a receiver. However, Lock, in combination with Godwin, neither teaches nor suggests the use of geographical location codes placed within user data fields or using the user data fields to determine geographic regions related to an event. In addition, Lock is silent with regards to "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm." Therefore, the combination of Godwin and Lock, similar to the individual systems, neither teaches nor suggests that "said geographical location codes are placed within the user data fields of a header of a data packet from said plurality of data packets; and said discriminator uses said PID information and said user data fields to determine geographic regions related to said event" "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement.

Claim 11 is dependent on claim 1 and is considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claim 11 is improper and should be withdrawn.

Rejection of Claim 13 under 35 U.S.C. 103(a)
Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin in view of Baron et al. (US Patent No. 5,940,776).

Claim 13 is dependent on claim 1 and is considered patentable for the reasons set forth above regarding claim 1.

Baron describes an automated real-time weather graphics generating system including a host computer that receives meteorological data from a plurality of real-time meteorological data sources and then multiplexes the meteorological data into a serial data stream, a vertical blanking interval (VBI) inserter that inserts the data stream into a vertical blanking area of a television broadcast signal for broadcast to a remote location, a VBI receiver at the remote location that filters the data stream from the television broadcast signal, and a remote computer that combines the data stream and geographical views to form weather images including the meteorological data. The weather images can then be converted into a television compatible format (e.g., NTSC or PAL) for broadcast to subscribers on the dedicated channels. The weather images may also include crawling or scrolling text messages generated by a character generator card associated with the remote computer. (See col. 2, lines 48-67 and col. 3, lines 1-65)

Baron was cited as containing the features of dependent claim 13. However, Baron, taken alone or in combination with Godwin, neither teaches nor suggests that "said geographical location codes are placed within the user data fields of a header of a data packet from said plurality of data packets; and said discriminator uses said PID information and said user data fields to determine geographic regions related to said event" or "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement. Baron describes a system for generating real-time weather graphics converted to a television compatible format. However, Baron, in combination with Godwin, neither teaches nor suggests the use of geographical location codes placed within user data fields or using the user data fields to determine geographic regions related to an event. In addition, Baron is silent with regards to "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to

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user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm." Therefore, the combination of Godwin and Baron, similar to the individual systems, neither teaches nor suggests that "said geographical location codes are placed within the user data fields of a header of a data packet from said plurality of data packets; and said discriminator uses said PID information and said user data fields to determine geographic regions related to said event" or "a warning device responsive to a result from the discriminator of comparing the codes designating geographic locations included in the encoded signals to user selected codes associated with specific localities, wherein said warning device outputs an alarm for each specific locality in the form of at least one of an audible alarm and a visual alarm" as recited in claim 1 of the present arrangement.

Claim 13 is dependent on claim 1 and is considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claim 13 is overcome and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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